

REMARKS

By this amendment, claims 1 and 6 have been amended. Claims 1-6 remain pending in the subject application. A marked up version of the amended claims is presented in Appendix A attached to this Amendment and Response to Office Action.

Rejection of Claims 1-4 Under 35 U.S.C. § 103

Claims 1-4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Saucier et al. (U.S. Patent No. 5,605,431, herein after referred to as "Saucier") in view of Antoun (U.S. Patent No. 5,951,216, herein after referred to as "Antoun"). This rejection is respectfully traversed.

Saucier discloses a locking wheelchair lift. As stated in the Office Action, Saucier does not teach a variable speed pump in a hydraulic lifting system. Antoun discloses a programmable, variable volume and pressure, coolant system. Antoun discloses changing motor speed to adjusting coolant volume and pressure in order to provide sufficient cooling function. Antoun neither teaches nor suggests anything related to adjusting the motion of a lifting device or any other device. It is respectfully submitted that the supplying coolant disclosed by Antoun is in a field of art that is unrelated to the lifting system disclosed by Saucier and the lifting device of the subject application. There would be no incentive for one skilled in the art of lifting devices to combine Antoun with Saucier in inventing a hydraulic lifting device. Therefore, it is respectfully submitted that

combining Saucier with Antoun in making the claims in the subject application obvious is improper.

Antoun also discloses in column 3, lines 58-64, that the pump motor 304 is an *AC synchronous motor* and is either single phase or three phase. In AC synchronous motors, *the frequency of the AC voltage supplied to the motor determines the speed of the motor*. For example a motor that turns at 1714 RPM at 60 Hz will turn at 857 RPM at 30 Hz (neglecting slippage caused by torque and inherent motor characteristics).

Claim 1 calls for, among other things, a *direct current electric motor with variable resistance control circuitry* for actuation of said pump and hydraulic apparatus so that speed of motion of the platform is variable. A combination of this element and other elements specified in claim 1 is not taught or suggested in Saucier and Antoun, either singly or in combination even assuming the combination to be proper. Therefore, claim 1 is allowable over Saucier in view of Antoun.

Claims 2-4 depend from claim 1 and are allowable over Saucier in view of Antoun for at least the same reasons as claim 1. Claim 3 further sets out that "said speed of said motor is selected so that said platform moves more slowly when pivoting from horizontal to vertical orientations than when said platform moves from ground to load. A combination of this and the other elements specified in claim 3 is neither taught nor suggested in Saucier and Antoun, either singly or in combination even assuming the combination to be proper, further precluding the obviousness of claim 3.

Rejection of Claim 5 Under 35 U.S.C. § 103

Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Saucier in view of Antoun, and further in view of Neagu (U.S. Patent No. 4,836,736, herein after referred to as "Neagu"). This rejection is respectfully traversed.

As respectfully pointed out above, claim 1 is allowable over Saucier in view of Antoun. Neagu discloses a level ride lift gate with ramping action platform. It is respectfully submitted that Neagu does not teach or suggest any combination of elements specified in claim 1 beyond Saucier and Antoun. Therefore, claim 1 is allowable over Saucier in view of Antoun and further in view of Neagu.

Claim 5 depends from claim 1 and is allowable over Saucier in view of Antoun and further in view of Neagu for at least the same reasons as claim 1.

Rejection of Claim 6 Under 35 U.S.C. § 103

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Taylor et al. (U.S. Patent No. 4,457,401, herein after referred to as "Taylor") in view of Antoun. This rejection is respectfully traversed.

Taylor discloses an above-the-floor hydraulic lift. As stated in the Office Action, Taylor does not teach a variable speed pump in a hydraulic lifting system. Antoun neither teaches nor suggests anything related to adjusting the motion of a lifting device or any other device. It is respectfully submitted that the supplying coolant disclosed by Antoun is in

a field of art that is unrelated to the lifting system disclosed by Taylor and the lifting device of the subject application, and there would be no incentive for one skilled in the art of lifting devices to combine Antoun with Taylor. Therefore, it is respectfully submitted that the combination of Taylor with Antoun asserted in Office Action is improper.

Antoun also discloses in column 3, lines 58-64, that the pump motor 304 is an AC synchronous motor and is either single phase or three phase. In AC synchronous motors, the frequency of the AC voltage supplied to the motor determines the speed of the motor. For example a motor that turns at 1714 RPM at 60 Hz will turn at 857 RPM at 30 Hz (neglecting slippage caused by torque and inherent motor characteristics).

Claim 6 calls for, among other things, a direct current electric motor with variable resistance control circuitry or actuation of a pump and hydraulic apparatus so that speed of motion of said platform is variable. A combination of this and the other elements specified in claim 6 is not taught or suggested in Taylor and Antoun, either singly or in combination even assuming the combination to be proper. Therefore, claim 6 is allowable over Taylor in view of Antoun.

CONCLUSION

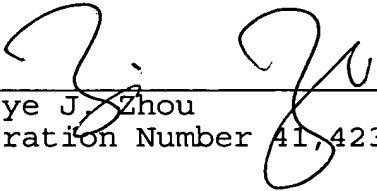
In view of above, claims 1-6 currently pending in the subject application are believed to be allowable and the subject application is in condition for allowance. Such action is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees to Manatt, Phelps & Phillips' Deposit Account

No. 13-1241 or to credit any overpayment to the same for all matters during the prosecution of the subject application.

Respectfully submitted,

MANATT, PHELPS & PHILLIPS
Attorneys for Applicants


By: Ziye J. Zhou
Registration Number 41,423

Date: July 7, 2003

Manatt, Phelps, & Phillips
1001 Page Mill Road, Building 2
Palo Alto, CA 94304
Tel: 650-812-1300

APPENDIX A
MARKED UP VERSION OF AMENDED CLAIMS

1. (Once Amended) In a lift device of the type appended to a vehicle, said lift device having a platform movable between a lower or ground position, upper or load position and stowed position, said platform assuming a substantially horizontal orientation in said ground or load position and pivotable to a substantially vertical orientation when stowed for vehicle movement, said platform being connected to a lever arm assembly and further including hydraulic apparatus to move said platform between ground, load and stowed positions, said hydraulic apparatus being actuated by a pump and motor assembly, the improvement comprising providing [an] a direct current electric motor with variable resistance control circuitry for actuation of said pump and hydraulic apparatus so that speed of motion of the platform is [directly proportional to the speed of said motor] variable.

6. (Once Amended) In a lift device of the type used to raise a vehicle vertically for enabling ready access to the vehicle's undercarriage, said lift device comprising a platform for supporting a vehicle movable from ground to an elevated position and back to ground again, the improvement comprising providing [an] a direct current electric motor with variable resistance control circuitry or actuation of a pump and hydraulic apparatus so that speed of motion of said platform is [directly proportional to the speed of the motor] variable.